

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

AMIT PATEL, on behalf of himself and all others  
similarly situated,

Plaintiffs,

v.

TRANS UNION, LLC in its own name and t/a  
TRANS UNION RENTAL SCREENING  
SOLUTIONS, INC. and TRANSUNION  
BACKGROUND DATA SOLUTIONS, and  
TRANS UNION RENTAL SCREENING  
SOLUTIONS, INC. in its own name and t/a  
TRANSUNION BACKGROUND DATA  
SOLUTIONS,

Defendants.

Case No. 3:14-cv-00522-LB

**ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT**

The Court, having reviewed the Agreement<sup>1</sup> entered into by the Parties, hereby orders that:

1. The Court has considered the proposed Settlement of the Class Claims asserted by the Class and Subclass of persons certified by the Class Certification Order entered June 26, 2015 (ECF 96):

All natural persons residing in the United States who, from February 2012 until December 2013, were the subjects of Trans Union Rental Screening Solutions SmartMove reports containing at least one item of "Alert List" information.

All natural persons residing in the United States who, from February 2012 until December 2013, were the subjects of Trans Union Rental Screening Solutions SmartMove reports containing at least one item of "Alert List" information who requested a file disclosure from, and were sent a disclosure by, Trans Union, LLC.

a. Excluded from the Class are the two (2) individuals who submitted timely requests to be excluded in response to the notice sent by the Settlement Administrator pursuant

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms in this order have the same meaning as in the Agreement.

1 to the Class Certification Order. Those persons were identified on Exhibit B (filed under seal) to  
2 the Preliminary Approval Motion (ECF \_\_\_\_).

3 2. By the Class Certification Order, the Court has already ruled that the prerequisites  
4 to a class action under Fed. R. Civ. P. 23(b)(a) and (b)(3) have been satisfied.

5 3. The Agreement entered into between the Plaintiff Amit Patel and Defendants Trans  
6 Union LLC and Trans Union Rental Screening Solutions, Inc. appears, upon preliminary review,  
7 to be fair, reasonable, and adequate to the Class. Accordingly, the Settlement is preliminarily  
8 approved, pending a Final Approval Hearing as provided for herein.

9 4. The Court has appointed Plaintiff Amit Patel as Class Representative and the law  
10 firms of Francis & Mailman, P.C. and Evans Law Firm, Inc. as Class Counsel.

11 5. The Court appoints RSM US LLP as Settlement Administrator.

12 6. The Court will hold a Final Approval Hearing pursuant to Fed. R. Civ. P. 23(e) on  
13 \_\_\_\_\_, 2018 in the United States District Court, Courtroom C - 15th Floor, 450  
14 Golden Gate Avenue, San Francisco, CA 94102 at \_\_\_\_\_ .m. for the following purposes:

15 a. To determine whether the proposed Settlement is fair, reasonable and  
16 adequate and should be granted Final Approval by the Court;

17 b. To determine whether a Final Judgment should be entered dismissing the  
18 claims of the Class and Subclass, with prejudice;

19 c. To consider the Fee Petition by Class Counsel for an award of attorneys'  
20 fees and expenses;

21 d. To consider the request for a Service Award to the Class Representative;  
22 and

23 e. To rule upon other such matters as the Court may deem appropriate.

24 7. Within ten (10) business days of the entry of this Preliminary Approval Order,  
25 Defendants shall transfer the sum of Twenty-Seven Thousand Dollars and Zero Cents (\$27,000.00)  
26 to the Settlement Administrator to create the Settlement Fund.

27 8. Upon entry of this Preliminary Approval Order, the Settlement Administrator shall  
28 proceed with the Settlement Notice Plan.

1           a.       The Court finds that the Settlement Notice Plan set forth in the Agreement  
2 fully satisfies the requirements of Fed. R. Civ. P. 23 and the due process guarantees of the U.S.  
3 Constitution, constitutes the best notice practicable under the circumstances, and shall constitute  
4 due and sufficient notice to all persons entitled thereto.

5           9.       A Class Member may object to the Settlement.

6           a.       To exercise this objection right, the Class Member must provide a Notice  
7 of Objection via First Class United State Mail to the Clerk of Court, Class Counsel, and  
8 Defendants' Counsel. The Notice of Objection must be postmarked no later than the Objection  
9 Deadline.

10          b.       For an objection to be considered by the Court, such objection shall be  
11 personally signed and state:

- 12                   i.       the caption of the Litigation;
  - 13                   ii.      the full name, address and telephone number of the Class Member  
14                            objecting to the Settlement;
  - 15                   iii.     a detailed statement of each objection asserted, including the  
16                            grounds for objection and reasons for appearing and being heard,  
17                            together with any documents such Class Member wishes to be  
18                            considered in support of the objection;
  - 19                   iv.     the identity of all counsel who represent the objector, including any  
20                            former or current counsel who may be entitled to compensation for  
21                            any reason related to the objection to the Settlement or Fee Petition;
  - 22                   v.      any and all agreements that relate to the objection or the process of  
23                            objecting—whether written or oral—between objector or objector's  
24                            counsel and any other person or entity;
  - 25                   vi.     the identity of all counsel representing the objector who will appear  
26                            at the Final Approval Hearing; and,
  - 27                   vii.    all relief sought.
- 28

1           10. Any objector wishing to be heard at the Final Approval Hearing must, no later than  
2 ten (10) business days before that hearing, file a notice of intent to appear with the Court Clerk's  
3 office, and must provide both Class Counsel and Defendants' Counsel with copies of the notice of  
4 intent to appear.

5           11. The right to object must be exercised individually by an individual Class Member,  
6 not as a member of a group and, except in the case of a deceased or incapacitated Class Member,  
7 not by the act of another person acting or purporting to act in a representative capacity.

8           12. All briefs, memoranda, petitions and affidavits to be filed in support of Final  
9 Approval of the Settlement, for a Service Award to the Class Representative and relating to the  
10 Fee Petition shall be filed not later than ten (10) days before the Final Approval Hearing.

11           13. The Court retains exclusive jurisdiction over this action to consider all further  
12 matters arising out of or connected with the Settlement.

13  
14 Dated: \_\_\_\_\_

BY THE COURT:

15 \_\_\_\_\_  
16 HON. LAUREL BEELER  
17 UNITED STATES MAGISTRATE JUDGE  
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